

STATUS OF CLAIMS

Claims 10 – 31 and 34 – 39 are pending.

Claims 32 and 33 stand withdrawn from consideration.

Claims 34 – 36, 38, and 39 stand allowed.¹

Claims 10 – 13, 17, 18, 20 – 31, and 37 stand rejected.

Claim 14 – 16, 18, 19, and 21 stand objected to.

Claims 10 – 33 have been cancelled herein, without prejudice or disclaimer.

No Claims have been amended.

REMARKS

The indication that Claims 34 – 36, 38, and 39 stand allowed is gratefully acknowledged. The present amendment and response, filed pursuant to 37 C.F.R. § 1.116, cancels claims and places the application in condition for allowance. Accordingly, entry of this amendment and response is respectfully requested. See MPEP 714.12.

Claim Rejections – 35 U.S.C. § 112

Claim 26 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. More particularly, Claim 26 stands rejected for purportedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one of ordinary skill in the art

¹ While the summary indicates that Claims 36 – 39 are allowed, the Office Action states, on Page 5, Claims 34 – 36, 38, and 39 stand allowed. Applicant assumes that the discrepancy in the Summary is a result of a typographical error. Confirmation of the same is respectfully requested.

that the inventor, at the time the application was filed, had possession of the claimed invention. In response, in the interest of expediting the issuance of the presently allowed claims, Claim 26 has been cancelled, without prejudice, rendering this rejection thereof moot.

Claim Objections

The Examiner states that should Claim 37 be found allowable, Claim 18 will be objected to under 37 C.F.R. § 1.75 as being a substantial duplicate thereof. See Office Action of November 12, 2008, ("Office Action" hereafter"), Page 3. Furthermore, Claims 14 – 16, 19, and 21 stand objected to under 37 C.F.R. § 1.75 as being a substantial duplicate of claims 34 – 36, 38, and 39 respectively. In response, in the interest of expediting the issuance of the presently allowed claims, Claims 18, 14 – 16, 19, and 21 have been cancelled, rendering these objections thereof moot.

Claim Rejections – 35 U.S.C. § 102

Claims 10, 12, 13, 18, 20, 24 – 26, and 31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Stevens (US Patent 5,431,127). In response, in the interest of expediting the issuance of the presently allowed claims, Claims 10, 12, 13, 18, 20, 24 – 26, and 31 have been cancelled, without prejudice, rendering this rejection thereof moot.

Appl. No. 10/553,049
Amdt dated February 9, 2009
Reply to Office action of November 12, 2008

Claim Rejections – 35 U.S.C. § 103

Claims 11, 22, 23, and 27 - 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stevens. In response, in the interest of expediting the issuance of the presently allowed claims, Claims 11, 22, 23, and 27 – 30 have been cancelled, rendering this rejection thereof moot.

Double Patenting

Claims 10, 18, and 27 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 4 of copending Application No. 10/552,548. In response, Claims 10, 18, and 27 have been cancelled, rendering this rejection thereof moot.

The Examiner further indicates that Claim 27 is also rejected for double patenting as a substantial duplicate of Claim 18. See Office Action, Pages 5 – 6. This is incorrect. However, Applicant has cancelled Claims 18 and 27, as part of this amendment. Accordingly, this rejection is deemed moot.

Claim 37

Applicant respectfully requests allowance of present Claim 37 and submits that the Office Action does not address Claim 37. Applicant understands this to be an oversight as Claim 37 was added in response to Office Action of April 16, 2008 based on the Examiner's indication that Claim 18 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. See Office Action of April 16, 2008, Page 7. Claim 37

Appl. No. 10/553,049
Amdt dated February 9, 2009
Reply to Office action of November 12, 2008

incorporates the features of allowable Claim 18 and its base Claim 10, as stated in Applicant's response dated July 16, 2008. Claim 37 is, therefore, allowable. Acknowledgement of the same is respectfully requested.

CONCLUSION

Having addressed all outstanding grounds raised by the Examiner, Applicant respectfully submits the present case is in condition for allowance, early notification of which is earnestly solicited.

Should there be any questions or outstanding matters, the Examiner is cordially invited and requested to contact Applicant's undersigned attorney at his number listed below.

Respectfully submitted,



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